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TECHNOLOGY CENTER 3600

In re application of
Andrew Sheehan et al.
Application No. 09/746,022
Filed: December 21, 2000
For: MULTI-ROUND AUCTION AND INTERNET
MARKETPLACE

**DECISION ON REQUEST
FOR WITHDRAWAL OF
ATTORNEY**

This is a decision on the request filed on September 22, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lack conditions A) and B) above.

As to condition A) There appears to be an error in the request's asking for withdrawal of attorneys associated with Customer Number 22862. Since the original attorneys were not given power by a customer number, and attorneys associated with a firm change over time, it is suggested that any renewed request simply state that the request is being made on behalf of all attorneys of record.

As to condition B) The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item B). While a reason may be provided by referencing a **specific** portion of 37 CFR 10.40, simply not reciting a reason is insufficient. A specific reason or referencing a specific portion of 37 CFR 10.40 (c), is required for approval.



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